

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CIRBA INC. (d/b/a DENSIFY)  
and CIRBA IP, INC.,

Plaintiffs,

v.

VMWARE, INC.,

Defendant.

C.A. No. 19-742-LPS

**VERDICT FORM**

**INFRINGEMENT OF U.S. PATENT NO. 8,209,687**

**Question No. 1:**

Has Densify proven, by a preponderance of the evidence, that VMware has literally infringed any of the following claims of the '687 patent?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

Product	Claim	Answer	
vSphere with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
vROps with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
VMC on AWS with DRS 2.0	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Question No. 2:**

Has Densify proven, by a preponderance of the evidence, that VMware has actively induced direct infringement of any of the following claims of the '687 patent?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

Product	Claim	Answer	
vSphere with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
vROps with DRS	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
VMC on AWS with DRS 2.0	Claim 3	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
	Claim 7	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Question No. 3:**

If you have found that VMware directly infringed at least one claim of Densify's '687 patent, or if you have found that VMware has actively induced direct infringement of at least one claim of Densify's '687 patent, has Densify proven, by a preponderance of the evidence, that VMware's infringement of the '687 patent was willful?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

<input checked="" type="checkbox"/>	Yes (Willful)
<input type="checkbox"/>	No (Not Willful)

**INFRINGEMENT OF U.S. PATENT NO. 9,654,367****Question No. 4:**

Has Densify proven, by a preponderance of the evidence, that VMware has literally infringed any of the following claims of the '367 patent?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

Claim 1	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 9	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 13	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Claim 17	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

**Question No. 5:**

Has Densify proven, by a preponderance of the evidence, that VMware has actively induced direct infringement of any of the following claims of the '367 patent?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

Claim 1	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 9	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 13	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 17	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Question No. 6:**

If you have found that VMware infringed at least one claim of Densify's '367 patent, or if you have found that VMware has actively induced direct infringement of at least one claim of Densify's '367 patent, has Densify proven, by a preponderance of the evidence, that VMware's infringement of the '367 patent was willful?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

<input checked="" type="checkbox"/>	Yes (Willful)
<input type="checkbox"/>	No (Not Willful)

**VALIDITY OF DENSIFY'S U.S. PATENT NO. 8,209,687****Question No. 7:**

Has VMware proven, by clear and convincing evidence, that any of the following claims of the '687 patent is invalid as anticipated by DRS 2006?

*"Yes" is a finding for VMware. "No" is a finding for Densify.*

Claim 3	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Claim 7	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Question No. 8:**

Has VMware proven, by clear and convincing evidence, that any of the following claims of the '687 patent is invalid because the claimed subject matter would have been obvious to a person of ordinary skill in the art at the time of the claimed invention based on DRS 2006?

*"Yes" is a finding for VMware. "No" is a finding for Densify.*

Claim 3	Yes _____	No <input checked="" type="checkbox"/>
Claim 7	Yes _____	No <input checked="" type="checkbox"/>

**TRADEMARK INFRINGEMENT****Question No. 9:**

Do you find that VMware is liable for trademark infringement?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

Yes _____	No <input checked="" type="checkbox"/>
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**DELAWARE DECEPTIVE TRADE PRACTICES ACT****Question No. 10:**

Do you find that VMware is liable for deceptive trade practice?

*"Yes" is a finding for Densify. "No" is a finding for VMware.*

Yes _____	No <input checked="" type="checkbox"/>
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**DAMAGES**

**The '687 Patent**

**Question No. 11:**

If you have found that VMware infringed at least one claim of the '687 patent, and if you have found that this same claim is not invalid, what is the dollar amount Densify has proven it is entitled to as a reasonable royalty for past infringement?

\$ 235,724,765

**The '367 Patent**

**Question No. 12:**

If you have found that VMware infringed at least one claim of the '367 patent, what is the dollar amount Densify has proven it is entitled to as a reasonable royalty for past infringement?

\$ 1,112,111

**Trademark Infringement**

**Question No. 13:**

If you have found that VMware is liable for trademark infringement, what is the dollar amount of damages that Densify has proven?

\$ 0

**CONCLUSION**

You have reached the end of the verdict form. Review the completed form to ensure that it accurately reflects your unanimous determinations. All jurors should then sign the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it to the Courtroom in the envelope provided.

Date 1/24/2020

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